IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.180/04

Onkar Singh

Versus

Gambho @ Gamvheer & Anr.

DATE OF ORDER :: 19/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. N.K. Singhal, for petitioner
Mr. Rajeev Sogarwal, for respondents

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Instant petition has been filed assailing the order Ann.2 dated 13th December, 2003.

Only grievance of petitioner-plaintiff before the learned trial Judge was that written statement has been filed after 90 days of service of summon, the same cannot be taken on record. The Apex Court has examined the scope of O.8 R.1 and has considered it to be directory. In the instant petition, written statement was filed 4 days after expiry of period of 90 days.

Learned trial Judge has examined the delay also while taking into consideration the written statement on record. I find no infirmity in the order impugned dated 13th December, 2003. Consequently, the writ petition stands dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.